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COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Thirteenth periodic report of States parties due in 1994

Addendum

VENEZUELA*

[18 March 1996]

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* The tenth to thirteenth periodic reports of Venezuela, due 5 January 1988, 1990, 1992 and 1994 respectively, are combined in this document.

For the eighth and ninth periodic reports of Venezuela and the summary records of the meetings at which the Committee considered the reports, see documents CERD/C/118/Add.24 (CERD/C/SR.738-SR.740) and CERD/C/149/Add.18 (CERD/C/SR.834-SR.835).

** The information submitted by Venezuela in conformity with the consolidated guidelines on the initial part of reports by States parties appears in core document HRI/CORE/1/Add.3.

*** The annexes may be consulted in the files of the Centre for Human Rights.

**** Document CERD/C/263/Add.8 was withdrawn by the Government.

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Introduction

1. In accordance with its obligation as a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Government of Venezuela, which is bound by article 9 of the Convention, hereby submits its tenth report for the consideration of the Committee on the Elimination of Racial Discrimination.

2. The general recommendations made by the Committee during its consideration of previous reports have been taken into consideration to the extent possible in the preparation of this report. Contributions were sought from bodies established by the State for the purpose of giving effect to the provisions of the Convention in Venezuela, such as the Office of Indigenous Affairs of the Ministry of Education, the Sub-Commission on Indigenous Affairs of the Chamber of Deputies of the Congress of Venezuela and the Department of Indigenous Ethnic Groups, a branch of the Sectoral Borders Division of the Ministry of Foreign Affairs.

I. GENERAL

A. Policy adopted to eliminate racial discrimination

3. As everyone knows, Venezuelan history has been characterized by a continuing and persistent tendency towards equality and tolerance, as provided for in article 61 of the Constitution, which states: "Discrimination based on race, sex, creed or social status shall not be permitted".

4. It should be noted that the above-mentioned provision is intended to refer to reflect the multiracial composition of the Venezuelan people formed by the three original races, Indian, White and Black, which developed into the Venezuelan nation. From the last century until now, the Venezuelan people have been enriched by the assimilation of large migratory flows from all continents which represent most of the races that make up the world and have helped, through their daily activities, to make the country great.

5. The foregoing means that the provision contained in article 61 of the Constitution is understood to be anti-discriminatory and we regard it as extremely important because it promotes and strengthens the de jure equality of the situation with regard to ethnic matters in our country which we already consider to be one of de facto equality. In keeping with the text of the Convention, an essential goal for Venezuela is to ensure that the enjoyment of the rights and benefits resulting from the country's development, in conditions of equality, is accessible to each and every Venezuelan citizen and to foreigners legally residing in Venezuela.

6. The basic provisions of the Constitution included articles 95 and 98, which embody the right to economic development and state that the economic system of the Republic is based on principles of social justice guaranteeing to all a dignified existence useful to the community.

7. In respect of social development, article 72 of the Constitution establishes the obligation of the State to protect associations, corporate bodies, societies and communities that have as their purpose the better

fulfilment of the aims of the individual and of society. Articles 78, 79 and 80 refer to the right to education, to the opportunity freely to devote oneself to the arts or sciences and to the aim of education, which includes the development of a spirit of human solidarity.

8. The Venezuelan legal order recognizes that every inhabitant of the Republic is entitled to the full enjoyment of his rights, based on a principle of equality that permeates all our legislation. It considers every inhabitant to be a potential beneficiary of those rights.

B. Internal legal validity of the Convention

9. The internal implementation of the Convention, as well as all matters relating to the legal validity and hierarchical importance of the international agreements ratified by Venezuela, are set forth in article 128 of the Constitution, which prescribes:

> "International treaties or conventions concluded by the National Executive must be approved by a special law in order to be valid, unless they concern the execution or completion of pre-existing obligations of the Republic, the application of principles expressly recognized by it, the execution of ordinary laws in international relations or the exercise of powers which the law expressly bestows on the National Executive."

10. Although this article simply states a general rule, it follows, as has been noted by writers on the subject, that, where there is a conflict between the provisions of a treaty and legislation enacted prior to the entry into force of the treaty, the legislation would automatically be superseded by a special act incorporating the treaty into internal law on the basis of the derogatory effect of subsequent legislation on earlier conflicting provisions.

11. As stated in paragraph 10 of the second periodic report submitted by Venezuela under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/37/Add.14), the Venezuelan Constitution does not resolve unequivocally the questions of the legal force of the provisions of international treaties under our legal system or stipulate sufficiently clearly the degree of precedence accorded to them within that system. However, the decisions of the Supreme Court and national doctrine have, on the basis of article 50 of the Constitution, recognized international human rights treaties ratified by Venezuela as having automatic force of law once the constitutional requirements regarding their approval have been fulfilled and as being on a legal par with the provisions of the Constitution themselves.

12. By way of illustration, article 50 of the Constitution states:

> "The enunciation of rights and guarantees contained in this Constitution must not be construed as a denial of others which, being inherent in the human person, are not expressly mentioned herein.
>
> The lack of a law regulating these rights does not impair the exercise thereof."

13. On the basis of this provision, international human rights treaties ratified by Venezuela acquire constitutional force in our legal system and their approval in accordance with the procedures laid down in the Constitution signifies State recognition of them as inherent in the human person, a quality which also derives from the international instruments themselves, since they specifically qualify the human rights which they embody as inherent in the human person. It should be added that the Supreme Court of Justice has ruled that acts ratifying international treaties cannot be nullified by our courts on grounds of unconstitutionality.

14. In conclusion, international treaties ratified by Venezuela are incorporated into the domestic legal order by a special law or by an administrative act, for example, a decree issued by the President of the Republic or a ministerial decision. The special law incorporating the Convention into Venezuela was published in Gaceta Oficial (GO) No. 28,395, dated 3 August 1987.

15. Regarding the applicability of the provisions of the Convention, once they have been incorporated into the domestic legal order, they automatically become subject to the rules for the enforcement and administration of justice applicable throughout the national territory. However, in view of the importance of this question, we shall refer briefly to the procedural remedies available to all inhabitants of the Republic for the prompt and effective protection of human rights.

16. One such remedy is found in article 49 of the Constitution, which provides for constitutional protection (amparo) in accordance with article 8 of the Universal Declaration of Human Rights and article 2, paragraph 3, of the International Covenant on Civil and Political Rights, as well as the "Organic Law on the Protection of Constitutional Rights and Guarantees", adopted by the National Congress on 18 December 1987 and promulgated by the President of the Republic on 22 January 1988, the date of its entry into force.

17. This procedural mechanism may be used in any case of violation of human rights, regardless of whether the offending act is perpetrated by individuals or public authorities and also entitles any inhabitant of the Republic, regardless of his nationality or of the legal situation regarding his presence in Venezuela, to invoke the Act.

18. The following are some of its features: it lays down the procedure for constitutional protection; establishes flexible rules for determining competence and confers broad powers on the court to ensure execution of the decision. A special chapter is devoted to the habeas corpus rules, which constitute a special type of constitutional protection designed for the protection of the right to physical freedom and the right to personal integrity. It also establishes a very expeditious procedure for handling this form of remedy.

C. Information relating to General Guideline IV adopted by the Committee on 16 August 1973

19. On this matter, Venezuela's ethnic situation makes it difficult to meet the request for information on the demographic composition of the population, for the reasons fully described in the preceding sections.

20. This multiplicity of ethnic elements, which have been intermingling for generations, has been strengthened by the waves of immigrants who have been arriving in the country since the mid-nineteenth century; under the 1944 Statistics and National Censuses Act and its regulations, information on the racial origin of the persons interviewed in the population censuses conducted in Venezuela is not required.

21. Mention should be made of the welcome that the Venezuelan people have given to the nationals of very diverse countries, who have eventually decided to apply for Venezuelan nationality after fulfilling the requirements laid down in the Naturalization Act. According to the Act, foreigners legally residing in the country may acquire Venezuelan nationality, whatever their place of origin.

22. Likewise, the economic rights of foreigners residing in the country are considered to be on a par with those of nationals.

23. In addition, any foreigner living in the country who feels that his rights and guarantees under the Constitution and the laws have been violated because of his nationality is entitled to avail himself of the special remedy of constitutional protection and institute the appropriate proceedings in accordance with the provisions of the Organic Law on the Protection of Constitutional Rights and Guarantees.

24. Another important aspect which should be mentioned relates to the indigenous people who have been living in the national territory since time immemorial. Although they are an integral part of the country's population, given their cultural, social, religious, economic and ethnic characteristics, they do represent a minority in terms of the total Venezuelan population. In order to protect them from the violence of growth and economic development inherent to a system that is foreign to their own, special measures have been taken and instruments adopted to ensure their protection, as provided in article 1, paragraph 4, of the Convention.

25. In addition to such measures, several constitutional provisions help to establish an appropriate legal framework for guaranteeing indigenous groups the full enjoyment of human rights. The National Constitution in force contains a number of principles and rights that make up this legal framework in the Venezuelan State; for example, the declaration of principles speaks of upholding human dignity and maintaining social and legal equality. Article 43 refers to the free development of the individual's personality and articles 58 and 60 refer to the inviolability of the right to life, liberty and security, respectively. Articles 73 and 78 protect the family and provide for the right to education and articles 84, 86 and 87 set forth the right to work, to a limit on the maximum duration of working hours and to a fair wage.

26. The Labour Act establishes regulations giving effect to the constitutional rights relating to protection of the worker's human dignity and the principle that no one may be forced to work against his will (art. 32).

27. Pursuant to the above, censuses have been conducted of the indigenous population, broken down by sex and tribe, and maps of the geographic distribution of indigenous families throughout the national territory have been prepared (see attached document).

II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

28. In view of the many concerns expressed by several delegations in the General Assembly about the resurgence of racism, xenophobia, racial discrimination and intolerance in various parts of the world, Venezuela reaffirms its conviction that the full enjoyment of human rights and fundamental freedoms requires the existence of a legal order that is based on tolerance and will guarantee equality and mutual respect among the members of society while preserving society's multicultural texture.

29. Venezuela has made significant efforts to establish a legal framework that will make way for pluralism in the community life of the Venezuelan people, based on the principles embodied in the Constitution and on international law, in particular, respect for the territorial integrity of sovereign States.

30. In view of its multiracial composition, the Venezuelan people have not experienced attacks of a xenophobic nature or the existence of groups with organized or sporadic activities that may be categorized as discriminatory. This has been a constant feature of the behaviour of the Venezuelan people, which has been assimilating large flows of immigrants not only from Europe, but from the rest of the world, since the last century. This behaviour is firmly anchored in article 61 of the Constitution stating that discrimination based on race, sex, creed or social status is not permitted. In establishing this provision, the legislator has attempted to guide society at large and the behaviour of the masses towards tolerance and equality by bringing popular attitudes and behaviours into line with this legal provision.

31. To this end, several laws, decrees and decisions have been adopted to guarantee the development of the indigenous population group under conditions of equality with the rest of the country's population and, in particular, to advance and protect this sector of the peasant population, guarantee land distribution, encourage agrarian activity by granting low-interest loans and establish a legal framework conducive to its full development.

32. The protection of the various indigenous groups is geared towards the training of all their members through a continuing education process designed to enable them to participate actively, on an equal footing, in the country's democratic process, while at the same time respecting their cultural specificity.

33. A brief reference should be made to these efforts, including the establishment of the leading body for national indigenous policy, known today as the Office of Indigenous Affairs of the Ministry of Education, based on the ratification of the Convention providing for Creation of the Inter-American Indian Institute of 26 August 1948, which recommends that member States should establish national institutes of indigenous affairs.

34. On 27 July 1951, the Governing Council adopted Decree No. 250, which regulates expeditions to areas inhabited by indigenous persons, in order to protect them. The Ministry of Justice was responsible for the implementation of this Decree.

35. Subsequently, the National Government, through Decree No. 20 of 6 March 1959, defined the structure and jurisdiction of the National Commission for Indigenous Affairs.

36. In 1961, the Constitution was adopted, article 77 of which reflects this concern as follows: "The State shall strive to improve the living conditions of the rural population. The law shall establish the special regime required for the protection of the indigenous communities and their incorporation into the life of the nation". For the achievement of the objectives of protection and incorporation referred to in article 77, the Constitution makes provision for the establishment of a special regime, a draft of which has been prepared by the Sub-Commission on Indigenous Affairs of the Chamber of Deputies of the Congress of Venezuela and is at present under discussion (text attached).

37. Another matter worth mentioning is covered by article 65 of the Constitution, which states: "Everyone has the right to profess his religious faith and to practise his religion privately or publicly, provided it is not contrary to public order or morals".

38. In chapter II of the Penal Code articles 168, 170 and 171 lay down clear measures guaranteeing the free exercise of a religion under conditions of equality. By way of example the above-mentioned articles are reproduced below:

> "Article 168: Any person who, for the purpose of giving offence to a religion which has been legitimately established or is being established in the Republic, impedes or interferes with the exercise of the functions or religious ceremonies of such religion shall be liable to imprisonment for a term of 5 to 45 days. If the act is accompanied by threats, violence, insults or demonstrations of contempt, the period of imprisonment shall be 45 days to 15 months.
>
> Article 170: Anyone who expresses contempt for a religion which has been established or is being established in the Republic by destroying, ill-treating or marring in any way whatsoever, in a public place, the objects intended for use in that religion and anyone who assaults or abuses any of its ministers shall be liable to imprisonment for a term of 45 days to 15 months. Where an offence against a minister of any religious faith is committed when the latter is exercising his functions or because of those functions, the penalty for the offence shall be increased by one sixth.

Article 171: Any person who, in a place used for religious worship or in a cemetery, damages, mars or defaces a monument, painting, stone, memorial tablet, inscription or tomb shall be sentenced to imprisonment for one to six months or to a fine of 150 to 1,500 bolivars."

39. It should be noted that the State acts within the limits laid down by the Constitution and the laws and that the authorities of the Republic therefore do not interfere in the exercise of the various religious faiths practised in the country and do not encourage adherence to any religion in particular. We repeat that the Venezuelan Government, through its Office of Worship, a division of the Ministry of Justice, is very favourably disposed towards all of the religious faiths established in the country.

40. We believe it appropriate to repeat that any individual who feels that the rights and guarantees granted to him by the Constitution and the laws have been violated or are in danger of being violated because of the religion he practises may institute the appropriate constitutional protection proceedings.

41. Ministry of Justice decisions adopted in 1967 established Centres for Coordination of Indigenous Activities in the States of Amazonas, Apure, Bolívar, Delta Amacuro and Zulia. Ministry of Justice decision No. 1 of 18 October 1974 established regional centres for indigenous activities in the capitals of the States of Amazonas, Anzoátegui, Apure, Bolívar, Delta Amacuro and Zulia, attached to of the Commission for Indigenous Affairs. Decision No. 2 of the same date established 17 indigenous activities units, attached to the respective regional centres for indigenous activities, in the same entities.

42. The following year, in decision No. 311 of 9 September 1975, the Ministry of Education established the Ministerial Office of Education for Border Areas and Indigenous Groups. When the Organization Act relating to the Central Administration was adopted in 1976, the bodies responsible for indigenous education, guidance and the supervision of missions and management of organizations dealing with indigenous people were transferred to the Ministry of Education (Gaceta Oficial No. 1932 of 28 December 1976). In 1977, the Ministerial Office of Education for Border Areas and Indigenous Groups was established when of the Central Office for Indigenous Affairs was merged with the Ministerial Office of Education for Border Areas.

43. Similarly, on 20 September 1978 the President of the Republic, making use of the powers invested in him by article 190 of the Constitution and in accordance with article 85 of the Education Act, approved Decree No. 283, containing a plan for intercultural bilingual education, aimed at promoting active participation by the indigenous communities in the activities of Venezuelan life without destroying their basic cultural heritage. Another goal is to encourage full and comprehensive knowledge of the components of the culture of ethnic groups among the rest of national society and to help to form socially useful citizens capable of meeting their own needs and those of the political, socio-economic and cultural development of the country.

44. The Decree is based on the principles of the self-determination of peoples; the right of peoples to promote their own culture; freedom; cultural pluralism; tradition; and the full development of the personality. Broadly

speaking, it recognizes the right of indigenous peoples to decide their own destiny in harmony with the country and in the framework of cultural pluralism. It strengthens each group's right to command respect for its own culture as reflected in its tradition and provides for free choice and decision-making on matters relating to the future of its members as individuals and as a people. It is a highly important instrument because it recognizes the existence of different cultural expressions in the country; it recognizes parents and adults as being the primary educators of children and adolescents; and it enables indigenous people fully to develop their personalities on the basis of their own tradition and interaction with the modern world.

45. As part of the activities designed to give full effect to Decree No. 283, mention may be made of the preparation of a bilingual, intercultural curriculum for implementation in indigenous communities; the implementation of programmes of instruction on the bilingual education system, geared to the cultural patterns and environmental conditions of each ethnic group, without disregard for the skills and experience of the national culture; the publication of books in autonomous languages; and the inclusion in the system of new indigenous ethnic groups, such as the Guajiro, Yukpa, Yaruro, Guajibo, Yekuana, Yanomami, Pemón, Warao and Kariña, in the States of Anzoátegui, Apure, Bolívar, Delta Amacuro, Amazonas Federal Territory and Zulia, for a total of 140 educational institutions (see copy of Decree No. 283 attached).

46. On 4 February 1980, through the Organizational Regulation of the Ministry of Education, the Ministerial Office for Border Affairs and Indigenous Groups became the Office for Indigenous Affairs, a branch of the Ministry's Sectoral Division for Special Programmes. The same year, article 51 of the Organization Act (Education) ordered special educational services and programmes to be established for indigenous people. In 1981, through an internal Ministry of Education directive, the Office of Indigenous Affairs was given policy-making responsibilities.

47. Mention should also be made of Ministry of Education decision No. 83 of 15 March 1982, authorizing the use of the indigenous languages corresponding to each ethnic group in the intercultural educational institutions. In order to standardize the transcription of the indigenous languages, alphabets were adopted on an experimental basis in the Guajiba, Guajira, Kariña, Pemón, Warao, Yanomami, Yaruro, Yekuana and Yukpa languages (a copy of decision No. 83 is attached).

48. On 3 August 1983, the Act adopting ILO Convention No. 107 was published in the Gaceta Oficial.

49. The General Regulations relating to the Organizational Act (Education) (1986) orders the System of Intercultural Bilingual Education to be introduced in the educational institutions located in indigenous areas.

50. Article 31 of decision No. 506 on the internal regulations of the Ministry of Education establishes the structure and functions of the Office of Indigenous Affairs.

51. Article 194 of the Basic Act concerning Narcotic and Psychotropic Substances states that small indigenous groups, clearly defined by the competent authorities, which have by tradition consumed yopo during magical religious ceremonies are exempted from the scope of that law.

52. The treatment of indigenous persons held in penitentiary establishments is governed by article 4 of the regulations relating to the persons covered; article 66 states that part of the common dormitory is set aside for persons with good records; article 67 states that places where indigenous people can work together must be set aside in workshops and article 68 states that their visiting hours shall be different from those of other prisoners. However, the Act concerning the penitentiary system, which is applicable to all persons having confirmed sentences, and its accompanying regulations make no provision for special treatment for indigenous people.

53. The Agrarian Reform Act also refers to indigenous communities, particularly in article 162, section 3 of which refers to the restitution of lands, in respect of which an obligation is established to promote the restitution of land, forests and water resources for the benefit of indigenous communities and extended families. Article 21 of the regulations pertaining to the same Act deals with the regularization of land holding: "in national agrarian plans preference shall be given to applications from small rural producers, indigenous peoples ...".

54. With regard to multilateral instruments, mention may also be made of the Treaty for Amazonian Cooperation, whose provisions broaden areas of cooperation and bind the States parties, including Venezuela, to define joint strategies and programmes in pursuit of solutions to the common problems faced by the communities sharing the border territories of two or more countries.

55. Reference should be made to article 14 of the above-mentioned Treaty for Amazonian Cooperation, which states that the Contracting Parties shall cooperate in ensuring that measures adopted for the conservation of ethnological and archaeological wealth of the Amazon region are effective.

56. Both before and after the signing of the above-mentioned international instruments, Venezuela, as an Amazonian State, signed agreements with neighbouring countries in various fields that, directly or indirectly, define shared responsibilities for attending to the problems of indigenous peoples in the border areas.

57. In the field of education, Venezuela and the Republic of Colombia signed the Francisco de Paula Santander Bridge Border Agreement on 5 October 1989. On the basis of this instrument, the Ministry of Education of Venezuela signed some agreements with the Colombian Ministry of Education relating to bilingual cultural education (Bucaramanga Agreements).

58. In the field of health, the Ministries of Health of Venezuela and Colombia signed the Ureña Agreement on 1 March 1991, in the context of the Second Meeting on Colombian-Venezuelan Health Activities in the Border Areas. There is also a project on joint health activities in the border areas.

59. As is clear from the foregoing, in its endeavour to ensure the comprehensive development of the indigenous population on an equal footing, Venezuela has created a legal framework of special benefit to this population, which is summarized below:

(a) General

1915: Missions Act

1925: Missions Act Regulations

1961: Constitution of the Republic, chapters III and IV (arts. 58-94)

1976: Basic Act concerning Central Administration, articles 29 (15), 31 (26) and 34 (24)

(b) Land and environment

1936: Common-Land Act (Ley de Tierras Baldías y Ejidos), articles 3 (3) and 13

1960: Agrarian Reform Act, articles 2 (d), 89 and 161 (3)

1976: Decree No. 350 on land reclamation

1978: Decree No. 2552 on forestry in the Federal Amazonian Territory, article 6

1983: Basic Act concerning Land Development, articles 15, 16, 27, 28 and 32

1989: Partial Regulations of the Basic Act concerning Land Development on administration and management of national parks and natural monuments, articles 25, 27, 28 and 34

1991: Decree No. 1633 of 5 June 1991, which created the Delta del Orinoco biosphere reserve

(c) Special rights

1951: Decree-Law No. 250

1961: Resolution No. 80 of the Ministry of Agriculture and Livestock and Resolution No. 06 of the Ministry of Justice concerning the area occupied by indigenous people in Perijá

1979: Regulations of the Military Conscription and Recruitment Act, article 124

1982: Decree No. 1620 of 4 September 1982 on rules governing the marketing of cinematographic works, article 57

1989: Decree No. 625 on rules governing tourism and recreational activities in the Federal Amazonian Territory, chapter IV, articles 27 and 32

1994: Basic Act concerning Narcotic and Psychotropic Substances, article 194

(d) Education

1982: Resolution No. 83 of the Ministry of Education on languages and alphabets

1986: Regulations of the Basic Education Act, article 64

(e) International

1983: Act adopting ILO Convention No. 107

1989: ILO Convention No. 169: ratification by Venezuela currently under consideration

1978: Treaty for Amazonian Cooperation

Principal legislation concerning special rights of the indigenous population

1. Constitution of the Republic, article 77: stipulating the establishment of a special regime for the protection of indigenous communities.

2. Act adopting ILO Convention No. 107 concerning indigenous populations: establishing special rights and measures for the protection, assistance and development of these populations with respect to languages, cultures, land, working conditions, education, economic development, health, social security, criminal law, etc. The ratification of ILO Convention No. 169, which revises and updates Convention No. 107, is currently under consideration.

3. Agrarian Reform Act: guaranteeing indigenous peoples ownership and use of the land which they have traditionally occupied.

4. Decree No. 283 of 20 September 1970: ordering the establishment of a system of bilingual intercultural education for the indigenous communities.

5. Basic Education Act, article 51: ordering the establishment of special educational services for the indigenous population.

6. Regulations of the Basic Education Act, article 64: making the system of bilingual intercultural education (REIB) compulsory and setting out its basic indigenous content.

7. Decree-Law No. 250 of 27 July 1951, which restricts, with a view to protection, access by outsiders to the areas traditionally occupied by indigenous peoples.

8. Decree No. 625 of 7 December 1989, which regulates tourism in the indigenous areas of the State of Amazonas.

9. Decree No. 1612 of 4 September 1982, which orders that the filming of indigenous peoples and filming in their areas is to be monitored by the Department of Indigenous Affairs.

Article 3

60. The preamble to the Constitution states that one of its fundamental purposes is "to maintain social and legal equality, without discrimination based on race, sex, religious belief or social status". Article 61 of the Constitution states: "Discrimination based on race, religious belief or sex and all forms of social discrimination shall be prohibited". Article 50 states: "The proclamation of the rights and guarantees contained in this Constitution shall not be interpreted as a denial of other rights and guarantees which, being inherent in the human person, are not expressly stated herein. The absence of legislation regulating these rights shall not impair their exercise".

61. Article 59 of the Constitution states: "Everyone has a right to be protected against injury to his honour, reputation or private life"; article 76 refers to the universal right to health; article 78 states: "Everyone has a right to education". Article 79 states: "Every natural or legal person may engage freely in the sciences and arts and, subject to proof of his capacity, may found university chairs and educational institutions". Article 84 states the universal right to work on a basis of equality: "Everyone has a right to work. The State shall ensure that every suitable person may obtain a position which provides him with a proper and decent living".

62. With regard to economic rights, article 96 reads: "Everyone may freely engage for gain in the activity of his choice".

63. As already explained, the principle of non-discrimination is set out clearly in the Constitution, with the effect that any thought and, even more so, any action tending to promote the domination of one race by another is prohibited.

64. We would refer to the report submitted by Venezuela in 1991 in accordance with article 40 of the International Covenant on Civil and Political Rights and reiterate that Venezuela has a population of mixed origin resulting from the merging of different races. It follows logically from this special characteristic, which means that mixed blood is the rule, that there can be no room for any element of racial discrimination.

65. Venezuela, in common with the international community, was deeply concerned about the flagrant denial of human rights stemming from the repulsive policy of apartheid, which was condemned as a crime against mankind

and constituted for decades a threat to international peace and security. We believe, as does the international community, that it must use every available means to destroy this policy and eradicate this evil. To this end, Venezuela fully endorses the provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid and of the other international instruments to which it is a party.

66. Being itself a melting-pot of races, Venezuela believes that apartheid is contrary to the principles of the Charter of the United Nations. One of the purposes of Venezuela's participation in the United Nations, and indeed in all international bodies, is the defence of human rights, respect for which implies the eradication of the scourge of apartheid and it has supported all the draft resolutions submitted on this question.

67. Venezuela's work in the General Assembly of the United Nations demonstrates its solidarity with those peoples whose legitimate rights are disregarded by the Government of the moment and with peoples subjected to systematic policies designed to maintain the supremacy of one race over another. As examples of this work, we can mention that Venezuela has provided the President of the General Assembly and has been a non-permanent member of the Security Council on several occasions; it has held the posts of Vice-Chairman and Rapporteur of the Fourth Committee of the General Assembly; it was a founder member of the Special Committee on Decolonization (Committee of 24); it has provided the Rapporteur of the Sub-Committee on Small Territories of the Committee of 24; it has served on the United Nations Council for Namibia and has provided the Vice-Chairman and Rapporteur of the United Nations Fund for Namibia.

68. Our activities have been guided by such principles as the self-determination of peoples, non-interference in the internal affairs of States, and condemnation of colonialism and all forms of racial segregation. We would cite the preamble to the International Convention on the Elimination of All Forms of Racial Discrimination, especially the provisions to the effect that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous and that there is no justification for racial discrimination, in theory or in practice, anywhere.

69. In the same vein, article 1, paragraph 2, of the Declaration on Race and Racial Prejudice, adopted by the General Conference of UNESCO on 27 November 1978, states: "All individuals and groups have the right to be different and to be regarded as such. However, the diversity of lifestyles and the right to be different may not, in any circumstances, serve as a pretext for racial prejudice; they may not justify either in law or in fact any discriminatory practice whatsoever, nor provide a ground for the policy of apartheid, which is the extreme form of racism".

70. Moreover, the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, or national origin - a principle also embodied in the preamble to the International Convention on the Suppression and Punishment of the Crime of Apartheid. Furthermore, the

preamble to the Convention on the Elimination of All Forms of Discrimination Against Women emphasizes that "the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women".

71. With regard to the Committee's General Recommendation of 1972 and its subsequent Decision of 1975, Venezuela, in strict conformity with the guiding principles of its domestic and foreign policy and pursuant to the decisions contained in international instruments, endorsed the rejection of any policy, practice or linkage which have the effect of supporting, strengthening or encouraging racist regimes, are irreconcilable with the obligation to eradicate racial discrimination entailed by accession to or ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and are incompatible with the concrete commitments of States parties to condemn racial segregation and apartheid, in accordance with article 3 of the Convention, or with their determination, stated in the preamble to the Convention, to build an international community free from any form of racial segregation or discrimination.

72. True to its principles, Venezuela has not maintained diplomatic, consular, trade, cultural, economic, military or sporting relations or links of any other kind with the racist regimes of southern Africa, especially with the racist regime of South Africa. In contrast, it has backed scrupulous compliance with the sanctions imposed on the Government of South Africa by numerous resolutions of the Security Council, some of which were adopted with the support of Venezuela as a non-permanent member of the Council.

73. It should also be recalled that, by joining in the adoption of resolutions of the General Assembly, Venezuela, like the rest of the international community, publicly expressed its support for the aspirations of the African National Congress (ANC) towards a transition process that would eliminate the heinous system of apartheid, thereby paving the way for a democratic and multiracial Government through the organization of free elections.

74. Venezuela invited Mr. Oliver Tambo, President of ANC to make an official visit. Subsequently, while he was still in prison, the current President of the Republic of South Africa was jointly awarded the Simón Bolivar Peace Prize with King Juán Carlos I of Spain. When he later made an official visit, he was awarded an honorary doctorate by the University of Carabobo, in the city of Valencia, State of Carabobo.

75. Now that the heinous system of apartheid has been dismantled as a result of an agreement reached in the United Nations in New York, Venezuela has, for the first time, established full diplomatic relations at the permanent ambassadorial level with the Government of South Africa, through an exchange of diplomatic notes.

76. Venezuela adopted the same approach to the process in Namibia, whose accession to independence and entry into the international community and the

United Nations as a full member it attended with a high-level delegation headed by the Minister for Foreign Affairs, the Permanent Representative to the United Nations and senior government officials.

Article 4

77. With regard to this article, while it is true that there is very little legislation relating to racial discrimination and racial propaganda, in practice, there is no need to legislate on this matter as Venezuela has no problems of discrimination or justification of discrimination. The situation would be quite different if, as is fortunately not the case in Venezuela, there were violent clashes between ethnic groups or if certain persons were marginalized on account of their physical characteristics because, in explosive situations of this kind, Parliament would adopt appropriate legislation as it is unable to ignore the social situation. It has not done so because there has been no need and Venezuela's media have never disseminated messages that encourage hatred, violence or discrimination on racial grounds.

78. Venezuelan legislation does not contain any specific provision to penalize anyone who in any way uses the mass media to promote hatred, discrimination or violence between Venezuelans and foreigners of whatever origin, the relevant provisions being contained in the Constitution. If legislation of this kind were adopted, it would be possible to specify what type of written, broadcast or visual message might be regarded as discriminatory and the appropriate penalties would be clearly established. From the legal point of view, it would undoubtedly be interesting and beneficial to establish such provisions, but, in practice, propaganda inciting hatred is completely unknown to the Venezuelan people and, were it to exist, it would be censured by the entire community and find no echo in Venezuelan society, where a large share of the population has ancestors from other countries and a wide variety of ethnic origins.

79. It should, however, be pointed out that the Venezuelan legal system and institutional practice guarantee the right to freedom of expression on equal terms for all inhabitants of the country, as provided for by article 66 of the Constitution: "Everyone has the right to express his thoughts by the spoken word or in writing and to make use of any means of dissemination, without prior censorship; but statements which constitute offences are subject to punishment, according to law".

80. Any inhabitant of Venezuela who believes that his constitutional rights and guarantees have been violated on account of his race, sex, beliefs or social status has the right to apply for the special remedy of constitutional protection (amparo) and to file the relevant appeal in conformity with the provisions of the Organic Law on Protection of Constitutional Rights and Guarantees.

Article 5

81. With regard to this article, attention is drawn to the preamble to the Constitution, which refers to "maintaining social and legal equality, without discrimination based on race, sex, belief or social status". It also refers

to "protecting and exalting labour, upholding human dignity, promoting general well-being and social security, ensuring equitable participation in the enjoyment of wealth, according to the principles of social justice, and fostering the development of the economy in the service of the individual".

82. Article 68 of the Venezuelan Constitution provides for the right of access to justice in the following terms: "Everyone shall have access to the organs for the administration of justice in order to defend his rights and interests, under the terms and conditions established by law, which shall prescribe rules to ensure that persons who lack sufficient resources are able to exercise this right".

83. As to minors, article 75 of the Constitution stipulates that "The protection of minors shall be guaranteed by special legislation and special agencies and courts".

84. The right to equality is one of the basic principles of the Venezuelan Constitution. As already explained, article 45 of chapter III, on general provisions provides: "Aliens shall have the same duties and rights as Venezuelans, subject to such limitations or exceptions as are established by this Constitution and the law". Article 46 reads: "Any act by the public authorities which violates or impairs the rights guaranteed by this Constitution shall be invalid and public officials and employees who order or execute such an act shall incur criminal, civil or administrative liability, as the case may be, and orders from superiors which are clearly contrary to the Constitution and the law shall not serve as an excuse".

85. Article 48 states that "Any official who enforces any measures to restrict liberty shall identify himself as such when required to do so by the persons concerned". Another important provision is article 49, which states that "The courts shall protect every inhabitant of the Republic in the enjoyment and exercise of the rights and guarantees established in this Constitution, in conformity with the law. Proceedings shall be brief and summary and the competent judge shall have the power immediately to re-establish the legal situation affected".

86. Article 58 establishes that the right to life is inviolable and, according to article 59, "Every person has the right to be protected against injury to his honour, reputation or private life". Article 60 provides for the inviolable right to liberty and security of person and, consequently: "1. No one may be arrested or detained, unless caught <u>in flagrante</u>, except by virtue of a written order of an official authorized to decree the detention in the cases and subject to the formalities prescribed by law. 2. No one may be deprived of his liberty for obligations the non-compliance with which has not been defined by law as a crime or misdemeanour. 3. No one may be held incommunicado or subjected to torture or to other proceedings which cause physical or moral suffering. Any physical or moral attack inflicted on a person subjected to restriction of his liberty is punishable. 4. No one may be required to take an oath or compelled to make a statement or to admit guilt in a criminal trial against himself or against his spouse or the person with whom he lives as married or against his relatives within the fourth degree of consanguinity or second of affinity. 5. No one may be convicted in a criminal trial without first having been personally notified of the charges

and heard in the manner prescribed by law. 6. No one shall continue to be held after the issuance of an order for release by a competent authority or after completing the sentence imposed. 7. No one may be sentenced to perpetual or degrading punishment. Punishment involving restriction of liberty may not exceed 30 years. 8. No one may be tried for the same acts by virtue of which he has been judged previously. 9. No one may be forcibly recruited or subjected to military service except as prescribed by law. 10. Measures in the interests of society against persons who engage in anti-social behaviour may be taken only in accordance with the conditions and formalities prescribed by law. Such measures shall in all cases be aimed at the readaptation of the individual to life in society".

87. With regard to political rights, article 110 of the Constitution recognizes voting as a public right and duty. Article 111 stipulates that "All Venezuelans who have reached 18 years of age and who have not been deprived of their civil or political rights are voters. Aliens may be authorized to vote in municipal elections, subject to residence and other requirements that the law may establish". Article 112 reads: "Voters who can read and write and who are over 21 years of age may be elected and are fit to hold public office, with no other restrictions than those established in this Constitution and those derived from the requirements of fitness prescribed by law for holding specified posts".

88. In this connection, it is appropriate to refer to title I of the Constitution, "The Republic, its Territory and Political Division". Article 6 of chapter I containing the basic provisions reads: "The official language shall be Spanish".

89. Regarding freedom of movement and freedom to choose one's place of abode, article 64 of the Constitution provides that "Everyone may travel freely throughout the national territory, change his domicile or residence, leave and return to the Republic, bring his property into the country or take it out, with no other restrictions than those established by law. Venezuelans may enter the country without the necessity of any authorization whatever. No act of the authorities may establish against Venezuelans the penalty of banishment from the national territory, except as commutation of some other punishment and at the request of the guilty party himself". Under article 66, "Everyone has the right to express his thoughts by the spoken word or in writing and to make use of any means of dissemination, without prior censorship; but statements which constitute offences are subject to punishment, according to law".

90. Article 68 states: "Everyone shall have access to the organs for the administration of justice to defend his rights and interests, under the terms and conditions established by law, which shall prescribe rules to ensure that persons who lack sufficient resources are able to exercise this right. Defence is an inviolable right at all stages and levels of the proceedings". Similarly, article 70 provides that "Everyone has the right of association for lawful ends in conformity with the law". Article 71 states: "Everyone has the right to meet with others, publicly or privately without previous permission, for lawful ends and without arms. Meetings in public places shall be governed by law".

91. As already pointed out at the beginning of the consideration of article 5 of the Convention, article 84 of the Constitution provides that "Everyone has the right to work. The State shall endeavour to ensure that every fit person may obtain employment that will provide him with a worthy and decent living. Freedom of labour shall not be subject to any other restrictions than those established by law". According to article 85: "Labour shall be given special protection. The law shall provide whatever is necessary to improve the material, moral and intellectual conditions of workers. The provisions established by law in favour of or to protect workers may not be renounced".

92. In this regard, it should be noted that the right to work in Venezuela is governed by the Labour Organization Act, which sets out constitutional principles and embodies doctrinal, administrative and judicial criteria developed in the labour field during the 54 years that the previous Labour Act was in force. It also embodies the principles of institutions established by the regulations relating to the 1973 Labour Act and practical aspects relating to collective bargaining. Its main characteristics and innovative features are the following: it provides for, expands on and reaffirms the human rights of workers; it stipulates that the law governs labour relations within society; it determines the scope of labour law; it guarantees the right of amparo in conformity with a special law; and it allows the views of small and medium-sized enterprises to be taken into account when a rule requires the participation of the economic sector. It also contains basic legal definitions of the terms enterprise, establishment, operation and workshop. It broadens and defines employers' responsibility when it is exercised through middlemen and subcontractors. It defines the terms trustworthy worker, supervisor or charge-hand; independent or non-dependent; employer; duty to work; and right to work. It governs the participation of foreign workers in labour activities designed to increase the proportion of Venezuelan workers.

93. It should be recalled that, according to article 91 of the Constitution, "Unions of workers or of employers shall not be subject to any other requirements, as to their existence and operation, than those established by law for the purpose of ensuring improved performance of their proper functions and of guaranteeing the rights of their members. The law shall protect in their employment, in a special manner, trade union promoters and leaders during the time and under the conditions required for ensuring trade union freedom". Article 92 establishes the right of workers to strike and article 93 stipulates that women and under-age workers are entitled to special protection.

94. Article 99 establishes the right to own property in the following terms: "The right to own property is guaranteed. By virtue of its social function, property shall be subject to taxation, restrictions and obligations to be established by law for purposes of public utility or general interest".

95. With regard to health, article 76 stipulates that "Everyone shall have the right to protection of his health. The authorities shall oversee the maintenance of public health and shall provide means of prevention and attention for those who lack them. Everyone is obliged to submit to health measures established by law, within limits imposed by respect for the human person". Article 78 states that "Everyone has the right to an education. The State shall establish and maintain schools, institutions and services with

sufficient resources to ensure access to education and culture, with no other limitations than those deriving from vocation and aptitudes. Education provided by official institutions shall be free of charge at all levels. However, the law may provide for exceptions in the case of higher and special education where persons of means are concerned".

96. As already explained, article 79 states that everyone may freely devote himself to the arts or sciences and set up schools and educational establishments. Article 80 reads: "Education shall have as its aim the full development of the personality, the training of citizens for life and for the exercise of democracy, the promotion of culture and the development of a spirit of human solidarity". According to article 83, "The State shall foster culture in its various manifestations, ensure the protection and conservation of works, objects and monuments of historical or artistic value in the country and endeavour to ensure that they serve to promote education".

Article 6

97. We will now refer to the institution of constitutional protection (amparo) in greater detail.

98. Constitutional amparo, which makes it possible to obtain rapid and effective human rights protection, is one of the innovations in the Venezuelan judicial system in respect of the procedural mechanisms available to all inhabitants of the Republic.

99. Article 49 of the National Constitution covers this institution in the terms set forth in article 8 of the Universal Declaration of Human Rights and in article 2, paragraph 3, of the International Covenant on Civil and Political Rights.

100. The "Organic Law on Protection of Constitutional Rights and Guarantees" was adopted by the National Congress on 18 December 1987. Owing to its innovative aspects, it was considered by Venezuelan legal writers as "the most important act adopted in Venezuela since the 1961 Constitution itself"; it introduces important improvements and innovations for the monitoring of constitutionality and the protection of human rights. These are briefly as follows:

(a) It contains the legislation on constitutional protection provided for in article 49 of the Constitution, broadened significantly to allow this procedural mechanism to be used in any case of violation of human rights, regardless of whether the offending act is perpetrated by individuals or by public authorities; it also entitles any inhabitant of the Republic to invoke it, regardless of his nationality or the legal situation in respect of his stay in Venezuela;

(b) It governs the procedure for constitutional protection, which is brief and simple; it also establishes flexible rules for determining competence and confers broad powers on the court to ensure execution of the decision;

(c) A special chapter deals with habeas corpus rules, which are a special type of constitutional protection designed for the protection of two rights in particular, namely, the right to physical freedom and the right to personal integrity; the Law also establishes a very expeditious procedure for the handling of this remedy;

(d) Article 3 incorporates into the Venezuelan system the concept of protection against legislation and provides for protection against the effects of a law deemed to conflict with constitutional rights. This form of protection makes it possible to have the application of a law suspended in respect of a particular situation when it is deemed unconstitutional for the reason given;

(e) Article 4 also provides for protection against court decisions;

(f) Lastly, the Law allows applications for protection to be filed in conjunction with an administrative remedy. If the court rules in favour of the application, the administrative act in question is suspended until a decision is taken to nullify it or other protection measures are adopted.

101. Article 2 states: "An action for protection (amparo) may be brought against any act or omission on the part of organs of the national, State or municipal authorities. It may also be brought in the case of an act or omission on the part of individuals, legal persons, groups or private organizations having violated, violating or threatening to violate any of the guarantees or rights protected by the Law. A threat shall be considered valid for the purposes of an action for protection if it is imminent". Article 3 provides: "Protection (amparo) proceedings may also be instituted when the violation or threatened violation derives from a rule which conflicts with the Constitution. In such cases, the court hearing the case shall consider the constitutionality of the rule in question and shall inform the Supreme Court of the relevant decision. Amparo proceedings may also be instituted in conjunction with a public action alleging unconstitutionality of laws and other State legislative acts, in which case the Supreme Court may, if it deems this necessary for the protection of constitutional rights, suspend the application of the provision with respect to the specific legal situation where a violation is alleged until the action for annulment is completed".

102. Article 4 states: "Amparo proceedings may also be instituted if a Venezuelan court, acting beyond its authority, issues a decision or ruling or orders an act which violates a constitutional right. In such cases, the action for protection must be brought before a court higher than that which issued the ruling, which shall come to a prompt, summary and effective decision".

103. Article 5 reads: "Amparo proceedings may be instituted against any administrative act, action, physical violence or inaction or omission which infringes, or threatens to infringe, a constitutional right or guarantee, where no brief, summary and effective procedure for constitutional protection exists. When proceedings are brought for protection against administrative acts with specific effects or against harmful inaction on the part of the authorities, they may be heard by the competent administrative court, if there is one in the area, in conjunction with judicial administrative proceedings

for the annulment of administrative acts or against omissions by the authorities, respectively. In such cases, the court shall, if it considers necessary for the protection of constitutional rights, briefly, summarily, effectively and in accordance with the provisions of article 22, suspend the effects of the act in question as a guarantee of the violated constitutional right, for the duration of the proceedings".

104. It should also be recalled that, where proceedings are brought for protection against administrative acts in conjunction with judicial administrative proceedings concerning the violation of a constitutional right, the latter proceedings may take place at any time, even after the legal time-limits have expired, and the prior exhaustion of administrative remedies will not be necessary.

105. The entry into force of the Organic Law on Protection has given rise to a significant increase in the use of this remedy and in the number of court rulings in favour of applications for protection. It should, however, be pointed out that, to date, this remedy has not been used to allege racial discrimination.

106. In the case of accusations of ill-treatment, article 374 of the Code of Criminal Procedure establishes a special procedure for the indictment of public officials. This special procedure, known as an information, is preliminary and is intended to determine responsibility for allegedly punishable acts committed by public officials in the performance of their duties or by virtue of their position. Once the procedure has been completed, any appropriate legal complaint may then be made to the relevant judicial body, pursuant to article 98 of the Code of Criminal Procedure. The complaint procedure may be instituted by accusations by private persons, by a representative of the Public Prosecutor's Department or, in exceptional cases, by written communication.

107. The competent judicial body must carry out the measures that are requested of it and are to serve as the basis for a complaint or accusation, as appropriate, against a public official. The purpose of these measures is to confirm the occurrence of the act brought to the knowledge or notice of the person, whether a private person, a judge or a representative of the Public Prosecutor's Department. It has to be determined whether the perpetrator of the punishable act is in fact a public official; whether the public official has committed the allegedly punishable act in the performance of his duties or by virtue of his position; whether the public official under investigation still performs his public duties after the punishable act has been committed; and whether any proceedings in connection with the act have been instituted by a judicial authority.

108. After the information has been laid, the findings may be: either (1) that the official in question did participate in the allegedly punishable act; or (2) that the acts attributed to the official are not criminal in nature.

109. In the first of these situations, the representatives of the Public Prosecutor's Department must promptly make a written complaint containing the particulars required under article 92 of the Code of Criminal Procedure. The

complaint signifies a proposal to institute criminal proceedings and inquiries are conducted to ascertain the punishable act and to indict the person concerned, as required under article 101 in fine of the Code. After the complaint has been received, the court must conduct the preliminary investigations and, in the light of the results and the other documents submitted by the representative of the Public Prosecutor's Department, it may order the official to be arrested if the requirements of article 162 of the Code of Criminal Procedure are met or may order that the inquiries should be closed or left open, as appropriate, in accordance with articles 206 and 208 of the Code.

110. In the second of the situations mentioned, inasmuch as the acts are not criminal in nature or there is no evidence of the official taking part in them, the representative of the Public Prosecutor's Department does not submit a complaint, but he must state his reasons, in writing, to the Attorney General of the Republic.

111. Accordingly, once the information has been laid, it may be seen that an act has been committed, but that the suspect is not a public official, in which case the representative of the Public Prosecutor's Department has to file a complaint with the competent judicial authority in accordance with article 42, paragraph 3, of the Public Prosecutor's Department Organization Act. Again, both private persons and public officials may have been involved in the same act, in which case a request must be submitted to the judicial authority to institute inquiries through the usual channels against the private individuals; if this has not been done automatically and separately, an information must be laid against the public officials.

112. Despite the concern of the Public Prosecutor's Department that proper inquiries should be conducted in connection with the information laid, it has been found that some courts do not give the relevant requests the priority attention called for by article 939 of the Code of Civil Procedure.

113. With regard to the right to compensation, the law in Venezuela at present provides for payment of compensation for acts committed by public officials, but none has so far been ordered by the courts; such compensation is paid upon application therefor by the injured party or victim.

Article 7

114. The Venezuelan territory has a varied topography which at times makes it difficult to comply with the constitutional requirement of ensuring the education of the entire country and all its inhabitants. Article 55 of the Constitution, chapter II, Obligations, states: "Education is compulsory within the degree and conditions determined by law. Parents and representatives are responsible for compliance with this obligation and the State shall provide the means by which all may comply with it".

115. In accordance with this approach, considering the family as the centre and nucleus for the formation of the individual and in order to contribute to the full development of the citizen, article 73 of the Constitution states: "The State shall protect the family as the basic nucleus of society and shall see to the betterment of its moral and economic position. The law shall

protect marriage, promote the organization of the unattachable family patrimony and provide whatever may help every family to acquire comfortable and salubrious housing". Article 74 reads: "Motherhood shall be protected, regardless of the civil status of the mother. Necessary measures shall be enacted to ensure full protection to every child, without discrimination of any kind, from his conception until he is full grown, under favourable material and moral conditions".

116. Article 75 states: "The law shall provide whatever may help every child, regardless of his filiation, to know his parents so that the latter may fulfil their duty of aiding, feeding and educating their children and so that infancy and youth may be protected against abandonment, exploitation or abuse".

117. In view of the current difficult economic situation, it must be acknowledged that, like other countries on the continent, Venezuela is unquestionably facing serious problems, not only because of the economy, but also as a result of the phenomenon of irresponsible paternity and abandoned children. The socio-economic burden of coping with juveniles is borne chiefly by women, and that has prompted Venezuelan legislators to establish, in the Statute on Minors, rules to protect women and children, inter alia, through assistance to and protection of pregnant women, assistance to mothers and new born children, support for and protection of nursing mothers and children of school, preschool and post-school age, until 18 years, assistance to minors in an illegal situation and assistance to and protection of working minors. These are all responsibilities that are incumbent on the National Children's Institute.

118. Taking into account the need to create an appropriate legal framework for the full development of the human person and of productive and capable citizens, article 78 of the Constitution also provides for the right to education, by stating that: "Everyone has the right to an education. The State shall create and maintain schools, institutions and services sufficiently endowed to ensure access to education and culture, with no other limitations than those deriving from vocation and aptitudes". Article 79 lays down the right to freedom of choice: "Every natural or legal person may freely devote himself to the arts or sciences". Article 80 reads: "Education shall have as its aim the full development of the personality, the training of citizens for life and for the practice of democracy, the promotion of culture and the development of a spirit of human solidarity". According to article 81: "Education shall be entrusted to persons of recognized morality and proven fitness for teaching, according to law. The law shall guarantee to teachers occupational stability and the labour system and standard of living commensurate with the lofty task entrusted to them".

119. The framework is made more complete in article 83, which states: "The State shall promote culture in its diverse forms".

120. In connection with the above paragraphs, it is worth citing as an important result of this effort and, in particular, of decree No. 283 of the System of Intercultural Bilingual Education (REIB), which is part of the Intercultural Bilingual Training Programme started in 1986, the first graduation, last year, of 18 bilingual teachers who are members of the Kariña,

Guajibo and Piaroa ethnic groups from the Universidad Pedagógica Experimental Libertador (Experimental Teachers University), El Macarao division, in the city of Maracay (State of Aragua).

121. Music education has also seen significant growth in the areas of symphony music, choirs, dance and theatre.

122. In this connection, reference must be made to the enormous efforts being made in this most important area of human development through the establishment of mechanisms whose results have marked a breakthrough in the cultural history of Venezuela. The early 1970s saw the beginning of an experimental programme of youth orchestras which took practical form in 1975 through the setting up of the System of National Youth Orchestras of Venezuela, enabling many of the youngest members of Venezuelan society in all States of the Republic and at all social levels to channel their enormous potential by participating in this programme.

123. The broad involvement of youth has made it possible to create an organization on the basis of regional, State and municipal centres. In 1994, the Programme of National Youth Orchestras, which includes the Simón Bolívar Symphony Orchestra, received the UNESCO International Music Prize and subsequently represented Venezuela in 1995 in Paris, France, during the celebration, at the university auditorium of the Sorbonne, of the fiftieth anniversary of the creation of UNESCO, receiving a 12-minute standing ovation from the audience.

124. The main headquarters of the organization, which has a regular year-round programme, is located in the Teresa Carreño theatre in Caracas.

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